

Kluwer Arbitration Blog

Interviews with Our Editors: Cairo in the Spotlight with Dr Ismail Selim, Director at CRCICA

Zahra Rose Khawaja (Dentons & Co, Dubai) · Wednesday, July 17th, 2019

Dr Ismail Selim, thank you for joining us on the Kluwer Arbitration Blog! We are grateful to have the opportunity to share your unique perspective with our readers.

1. *Could you give our readers a brief introduction to yourself and your route to becoming Director at **CRCICA**?*

I graduated from Cairo University in 1997 with an LL.B., where I also obtained an LL.M in International Business Law from the Institut du Droit des Affaires Internationales (I.D.A.I) in 1999. I then moved to France and earned my Master's degree in Public Administration (MPA) from the National School of Administration (E.N.A.) in 2001. I was seconded to the CRCICA from 2003 until 2007, where I acted as Legal Advisor. I also earned a Certificate in International Commercial Arbitration from the School of International Arbitration, Queen Mary University of London in 2005. In 2007, I did an internship at the ICC Court of International Arbitration. In 2009, I earned my PhD with highest honours from Burgundy University (Dijon – France). The title of the thesis is “L’ordre public international in favorem arbitrandum – Etude de droit Comparé” (International Public Policy in favor of Arbitration – a Comparative Study). The thesis was published by Edition Universitaire Européenne.

I started off my career as a Public Prosecutor, then a civil Judge, until I joined Zulficar & Partners Law Firm in 2009, as a leading member of its Arbitration Group and where I was promoted to Partner in 2013. Further, in May 2015, I joined Nour and Selim in association with Al Tamimi and Company as Partner and Head of Dispute Resolution, Cairo. Further, I became a member of CRCICA Advisory Committee as of 1st May 2016. Then, I became Director of CRCICA in January 2017.

Today, I am Vice-President of the Egypt Branch of Chartered Institute of Arbitrators (MCIArb). I also teach at the I.D.A.I. in Cairo, Sorbonne University (and at the Sorbonne University Middle East) – Laws LLM in Paris. I frequently sit as an arbitrator and I am also a certified Mediator from the London School of Mediation.

2. ***GAR** has previously described CRCICA as the “granddaddy” of arbitration in the MENA*

region. Does CRCICA still identify with that description?

Indeed, CRCICA is still identified as the “granddaddy” or the “Godfather” (I would say) of arbitration in the MENA region and Africa. It has been operating for 40 years, during which time it has administered more than 1,337 cases, many with an international or at least a regional element. CRCICA, through its late Director (Dr. Mohamed Abul-Enein), has created a pro-arbitration environment in the Arab world and we are doing our very best to maintain such stature.

CRCICA has signed, since its establishment until now, around 90 Cooperation agreements with international arbitration institutions and Chambers of Commerce. More than 550 conferences and seminars have been held under the auspices of CRCICA, dealing with different subjects such as construction, state courts, finance and banking, investment and others. CRCICA has also held, co-organized and participated in more than 180 training courses and workshops in both arbitration and mediation.

3. What do you perceive as being the top three advantages to users of administering an arbitration via CRCICA, as opposed to other international arbitration centres?

The first advantage is the selection of highly experienced counsels, who have been long-serving at the Centre, along with highly educated new generation case managers who are able to administer cases in Arabic, English and French languages. The number of administered cases per counsel/case manager usually does not exceed 25-30 cases, which shows that they are not overloaded. They are therefore able to provide efficient services under the supervision of the Director of CRCICA and/or its Deputy Director, as well as CRCICA’s Advisory Committee, whose functions include:

1. deciding on requests for challenge of arbitrators;
2. requests not to proceed with arbitration proceedings; and
3. in exceptional circumstances, and in order to prevent the frustration of the arbitral proceedings, the Advisory Committee may authorize the tribunal to proceed on truncated basis or deprive a party from its right to appoint a substitute arbitrator.

The second advantage is the cost effectiveness of the administrative fees charged at the Centre compared to other arbitration institutions in the world, as illustrated in Global Arbitration Review (GAR)’s [2019 survey of arbitration costs](#). This is because CRCICA is not financed by any entity and is fully self-sustained. In addition, the average income salary in Egypt is lower than in Western and GCC countries, especially since the [floatation of the Egyptian pound in 2016](#), which is a factor that permits CRCICA to monitor its running costs.

The third advantage is the neutrality of the Centre, which is manifested through its headquarters’ agreement ensuring its neutrality and immunity vis-a-vis the host state, to the extent that the Centre has been recommended by the [Lalive/African Development Bank Report](#) published in 2014 to administer cases filed against public entities of the host state. The neutrality of the Centre is also manifested through guaranteeing party autonomy in appointing arbitrators. When the Centre is requested to appoint a sole arbitrator or a presiding arbitrator, it endeavours to do so through the “Identical List Procedure” being sent to the parties, thereby maximizing the parties’ control over the process of the constitution of the entire arbitral tribunal.

4. *Since the launch in 2017 of the CRCICA Rules in French (in addition to the English and Arabic versions that were already in place), have you seen an increase in the numbers of users from North Africa and in the number of cases being administered in French?*

The issuance of the French version of the CRCICA Rules is responsive to users' needs as well as global criterial reviews. The development came specifically after the issuance of a report by the African Development Bank ranking CRCICA as one of the best arbitration centres across the African continent and elsewhere, and which recommended that CRCICA should consider issuing a French version of the Rules to facilitate administering cases in French. Releasing the French version of the Rules strikes a chord with the Centre's strategic vision to exceed its level of cooperation within Africa.

Last year, the CRCICA registered a case involving a party from Algeria, but the language of the arbitration was English. During the Arab spring, the CRCICA also registered an investor-state case based on the BIT between Libya and Morocco, but the language of the arbitration was Arabic. However, to date we have not had any cases registered in the French language, despite the regular use of CRCICA by French parties. However, we are trying to raise more awareness in Francophone Africa that CRCICA has very capable and competent case managers fluent in the French language. For the language of arbitration to be French, it seems that all the parties (not only one of them) shall be Francophone.

5. *What was the driving factor behind CRCICA entering an agreement with the Permanent Court of Arbitration, and has CRCICA benefited from this agreement in terms of sharing facilities and expertise?*

For the Centre, there will be more visibility, especially from the parties to investment arbitration, as CRCICA features in about 32 Bilateral Investment Treaties (BITs). Also, CRCICA enjoys immunities and privileges which will encourage the holding of hearings at the state of the art hearing facilities of the CRCICA. Finally, the agreement permits the parties to CRCICA proceedings to hold hearings at the stunning premises of the PCA at the Peace Palace.

6. *Since CRCICA's signing of the Pledge for Equal Representation in Arbitration in 2017, what initiatives has the centre undertaken to uphold its commitment to ensuring unbiased gender and age diversity in appointing arbitrators?*

In application of the [Pledge for Equal Representation in Arbitration](#), the Centre now includes in its reports data on female arbitrators and arbitrators under the age of 40.

In 2018, 11 female arbitrators were appointed by the Centre, as well as by the parties and the co-arbitrators. We also witnessed the appointment of an all-female tribunal this year.

Additionally, 13 arbitrators under the age of 40 were appointed.

7. *Are there any upcoming CRCICA developments that you would like to share with our*

readers?

Well, we are working on revising our CRCICA Arbitration Rules by amending the actual rules and including certain matters that are not currently in the Rules, such as provisions for emergency arbitrators, consolidation and expedited rules. We are also working on promoting other ADR services such as our mediation rules, and we are currently working on Dispute Board Rules (DAB & DRB).

8. CRCICA is celebrating its 40th birthday in 2019. How will it be marking the occasion? What milestones would you like to see CRCICA reach by its 50th birthday?

In relation to CRCICA celebrating its 40th birthday, there is a film project that we are currently working on including short interviews with some of the pioneer practitioners and arbitrators relating to the role of international arbitration in the development of the Afro-Asian region. We hope to show the movie next year in a special celebratory conference.

A milestone that CRCICA would wish to reach by its 50th anniversary is having considerable accreditation in the number of cases being registered at the Centre from parties performing contracts all over the region, and gaining the utmost international recognition.

On the one hand, it is quite vital that Cairo as a seat of arbitration be quite receptive to international arbitration cases and the role of the state courts in Cairo, prior to the commencement of the arbitration case, during the lifetime of the arbitration and after the arbitration award is rendered (especially when handling the setting aside and enforcement procedures). This will enable it to be helpful, cooperative and understanding of the procedures in arbitration. CRCICA wishes to maintain its stature in educating the younger generations (future lawyers, law students, in house counsels and future judges) through organizing seminars, conferences, events, ICCA New York Roadshows and training courses educating them in arbitration and its procedures in Egypt. By accomplishing that goal, this would in turn increase foreign investors and parties when negotiating contracts with the Egyptian Government in choosing Cairo as the seat of arbitration, as it would be perceived as extremely receptive of arbitration awards and its procedures.

On the other hand, CRCICA is raising awareness as to the possibility of being chosen to administer arbitration cases where the seat of arbitration is not Cairo, but in other friendly seats such as Kigali, Paris and London.

Dr Ismail, thank you for your time and perspectives – we wish you and CRCICA continued success!


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